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JFK ACT RELEASE

Tennessee Court Upholds Rejection Of New Ray Trial

KNOXVILLE, Tenn., July 15 (AP)—The Tennessee Court of Criminal Appeals refused today to review the denial by a Memphis judge of a new murder trial for James Earl Ray in the slaying of the Rev. Dr. Martin Luther King Jr.

Presiding Judge Mark. A. Walker announced the court's decision after it had deliberated for less than four hours.

J. B. Stoner, a defense attorney, said the appellate court's ruling would be appealed to the State Supreme Court.

Ray pleaded guilty in Memphis March 10 to the sniper slaying last year of Dr. King, the civil iights leader, and was sentenced by Criminal Court Judge W. Preston Battle to 99 years in state prison. Judge Battle died 21 days later.

In seeking a new trial, Ray said he had been pressed by his former lawyer, Percy Foreman of Houston, into entering the guilty plea. Mr. Foreman denied the charge.

Judge Arthur C. Faquin, who succeeded Judge Battle in handling the case, denied Ray's motion for a new trial at a hearing on May 26 in Memphis.

The gist of the defense argument before the appellate court this morning was that Judge Faquin erred in not setting aside the sentence on grounds that Judge Battle died before he had time to hear Ray's motion for a new trial.

Mr. Stoner also argued that Judge Faquin erred in his refusal to consider as motions for a new trial letters that Ray wrote to Judge Battle from the state penitentiary in Nashville.

Thomas E. Fox, State Deputy Attorney General, argued that Ray, by pleading guilty, surrendered his right to both a new trial and appeal.

Ray was not here for the hearing.

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